

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MARITZA L. RENFREW,

Plaintiff,

v.

No. 1:24-cv-00654-JCH-KK

IMMIGRATION SERVICE,

Defendant.

MEMORANDUM OPINION AND ORDER OF DISMISSAL

Federal law requires that the Clerk of Court "require the parties instituting any civil action, suit or proceeding in such court ... to pay a filing fee of \$350 ... [and] such additional fees only as are prescribed by the Judicial Conference of the United States." 28 U.S.C. §§ 1914(a, b).¹ However, the Court "may authorize the commencement, prosecution or defense of any suit, action or proceeding civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such [person] possesses that the person is unable to pay such fees or give security therefor." 28 U.S.C. § 1915(a)(1).

Plaintiff, who is proceeding *pro se*, did not pay the fee but filed an Application to proceed *in forma pauperis*. See Application to Proceed in District Court Without Prepaying Fees or Costs, Doc. 3, filed June 26, 2024 ("Application"). United States Magistrate Judge Kirtan Khalsa notified Plaintiff that some of the hand-written entries in the Application are illegible and that:

Plaintiff also filed an Application to proceed *in forma pauperis* in another case earlier this month. See Doc. 2, filed June 10, 2024, in *Renfrew v. SunVan*, No.

¹ The fee for instituting any civil action, suit or proceeding is comprised of a \$350.00 filing fee, see 28 U.S.C. §1914, and a \$55.00 administrative fee.

1:24-cv-00586-DLM (“*Renfrew I*”).² Discrepancies between Plaintiff’s Application in this case and Plaintiff’s Application in *Renfrew I* suggest Plaintiff is not following all instructions on the Application form. For example, the Application in *Renfrew I* indicates Plaintiff’s spouse does not have any income, however, the Application in this case indicates Plaintiff’s spouse’s monthly income is \$4,900. The Application in *Renfrew I* indicates there are no medical or dental expenses with a handwritten note suggesting those costs are covered by the “VA,” however the Application in this case indicates the medical and dental expenses are \$600.

Order and Notice Regarding Application to Proceed *In Forma Pauperis*, Doc. 5, filed July 8, 2024. Judge Khalsa ordered Plaintiff to file a second Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) and notified Plaintiff that failure to timely file a second Application to Proceed in District Court Without Prepaying Fees or Costs may result in dismissal of this case. Plaintiff did not file a second Application or respond otherwise to Judge Khalsa’s Order by the July 29, 2024, deadline.

The Court dismisses this case without prejudice for Plaintiff, having not paid the \$405.00 fee, failing to timely file a second Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form).

IT IS ORDERED that:

- (i) This case is **DISMISSED without prejudice**.
- (ii) Plaintiff’s Application to Proceed in District Court Without Prepaying Fees or Costs, Doc. 3, filed June 26, 2024, is **DENIED**.


SENIOR UNITED STATES DISTRICT JUDGE

² Chief United States District Judge William P. Johnson dismissed *Renfrew I* because the original complaint failed to state a claim and Plaintiff did not comply with United States Magistrate Judge Damian L. Martinez’ Order to file an amended complaint. *See* Doc. 6, filed July 22, 2024, in *Renfrew v. SunVan*, No. 1:24-cv-00586-WJ-DLM (striking Plaintiff’s Application to proceed *in forma pauperis* because Plaintiff did not comply with Judge Martinez’ Order to sign the Application).